

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN GARLAND, *et. al*, on behalf of themselves
and all other similarly situated employees of the New
York City Fire Department,

Plaintiffs,

-against-

NEW YORK CITY FIRE DEPARTMENT,
DANIEL A. NIGRO, in his official and individual
capacities, JOHN DOE #1-10, in their official and
individual capacities; and JANE DOE #1-10 in their
official and individual capacities,

Defendants.
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INDEX NO. _____

**AFFIDAVIT OF JOHN
GARLAND IN SUPPORT OF
THE PLAINTIFFS' MOTION**

STATE OF NEW YORK)
) ss.
COUNTY OF _____)

JOHN GARLAND, being duly sworn deposes and states under penalty of perjury that:

1. I am a Plaintiff in this Action. I have not received a COVID-19 vaccine. I am a fire fighter, member of Ladder 78, and an employee of the NEW YORK CITY FIRE DEPARTMENT ("FDNY"). I offer this Affidavit based upon my personal knowledge and conversations I have had with my fellow FDNY employees who have not received a COVID-19 vaccine.

2. I have attempted to grieve through the UNIFORMED FIREFIGHTERS ASSOCIATION OF GREATER NEW YORK LOCAL 94, I.A.F.F., AFL-CIO ("UFA"). The UFA has utterly refused to process any grievance for placing me on an unpaid leave status. *See, Exhibit 1*, a copy of the email communications with the UFA.

3. On November 16, 2021, I sent an email to ANDREW ANSBRO ("Ansbro"), the President of the UFA, asserting my statutory and contractual right to charges and a hearing before I am disciplined or suspended without pay. *See, Exhibit 1*.

4. In response, Ansbro stated that the UFA is fighting the FDNY on a contractual basis, stating “[t]he City created forced LWOP as a means to get around the contractual obligations. We don’t believe [sic] it’s legal, and we will continue to fight.” **Exhibit 2**, a copy of the Ansbro’s email.

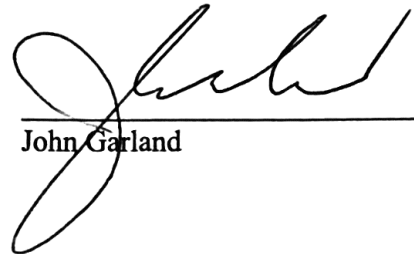
5. However, Ansbro stated that: “we want members to understand that there will come a time where the city will terminate you if you are not vaccinated. There is no guarantee of winning the lawsuit, the chances are little to none, most other unions have accepted the terms and it puts us in a bad position and it may take years to resolve. Do not get fired, it will be irreversible. At this time, the city has given us no indication of how this ends, because we refuse to sign an agreement that says we agree with you getting fired over this, because of that, we are in the dark. I wish I had more answers, but I they aren't giving us any.” **Exhibit 2**.

6. I have actively pursued my grievance rights pursuant to the UFA’s collective bargaining agreement with the FDNY, but the UFA has not permitted me to challenge the conduct of the FDNY that is unconstitutional, illegal, and a breach of the collective bargaining agreement.

7. Based upon Ansbro’s email it is clear that he believes that the discipline process is fixed and the FDNY will terminate me if I am not vaccinated. Clearly, Ansbro, the President of UFA has no faith that I will receive due process as required by the New York City Administrative Code and the United States Constitution before I am terminated.

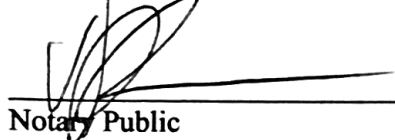
8. Since the UFA has refused to process any grievance against the FDNY based upon the COVID-19 vaccine its members, namely FDNY fire fighters have not received constitutionally adequate process in the course of the deprivation of our property rights to our pay.

9. On behalf of the Plaintiffs and all others similarly situated, I am requesting that the Court grant the Plaintiffs a Temporary Restraining Order and a Preliminary Injunction, restoring our pay and barring the FDNY from terminating our employment without due process.



John Garland

Sworn before me on this
21st day of November 2021



Notary Public

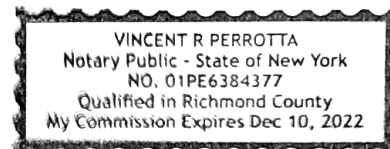


EXHIBIT 1

From: [John Garland](#)
To: aansboro@ufanyc.org; reustace@ufanyc.org; vspecial@ufanyc.org; ebrown@ufanyc.org; mschreiber@ufanyc.com; [Eric Bischoff FDNY](#); info@ufanyc.org
Cc: [John Garland](#)
Subject: Formal Grievance against the FDNY
Date: Tuesday, November 16, 2021 3:28:40 PM

To whom it may concern;

My name is John Garland, I am a member of Ladder 78.

I have a statutory and contractual right to charges and a hearing before I am disciplined or suspended without pay. I am asking the union to file a grievance against the FDNY for violating my constitutional, statutory and contractual rights.

Please confirm receipt of this message.

Thank you,
John Garland

EXHIBIT 2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Ansbro Andrew <AAnsbro@ufanyc.org>
Date: November 16, 2021 at 3:43:56 PM EST
To: John Garland <jjg385@aol.com>
Cc: John Garland <jjg385@aol.com>
Subject: Re: Formal Grievance against the FDNY

John,

This is the basis of our lawsuits against the City. We are already fighting it. The City created forced LWOP as a means to get around the contractual obligations. We don't beleive it's legal, and we will continue to fight.

However, we want members to understand that there will come a time where the city will terminate you if you are not vaccinated. There is no guarantee of winning the lawsuit, the chances are little to none, most other unions have accepted the terms and it puts us in a bad position and it may take years to resolve.

Do not get fired, it will be irreversible.

At this time, the city has given us no indication of how this ends, because we refuse to sign an agreement that says we agree with you getting fired over this, because of that, we are in the dark.

I wish I had more answers, but I they aren't giving us any.

-Andrew Ansbro

From: John Garland <jjg385@aol.com>
Sent: Tuesday, November 16, 2021 4:34:22 PM

To: Ansbro Andrew <AAnsbro@ufanyc.org>

Cc: John Garland <jjg385@aol.com>

Subject: Formal Grievance against the FDNY

To whom it may concern;

My name is John Garland, I am a member of Ladder 78.

I have a statutory and contractual right to charges and a hearing before I am disciplined or suspended without pay. I am asking the union to file a grievance against the FDNY for violating my constitutional, statutory and contractual rights.

Please confirm receipt of this message.

Thank you,
John Garland